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MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-428-829

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/14/2001 TO 12/31/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR LOW ENRICHED URANIUM FROM GERMANY
(C-428-829).

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CASES: C - 428 - 829

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PERIOD COVERED: 05 14 2001 TO 12 31 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR LOW ENRICHED URANIUM
FROM GERMANY (C-428-829).

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON JULY 7, 2004 (69 FR 40869) THE FINAL RESULTS OF ITS
ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER (C-428-
829) ON LOW ENRICHED URANIUM FROM GERMANY FOR THE PERIOD
5/14/2001 THROUGH 12/31/2002.

2. THE SCOPE OF THIS ORDER COVERS LOW ENRICHED URANIUM (LEU).
LEU IS ENRICHED URANIUM HEXAFLUORIDE (UF6) WITH A U235 PRODUCT
ASSAY OF LESS THAN 20 PERCENT THAT HAS NOT BEEN CONVERTED INTO

ANOTHER CHEMICAL FORM, SUCH AS UO_2 , OR FABRICATED INTO NUCLEAR FUEL ASSEMBLIES, REGARDLESS OF THE MEANS BY WHICH THE LEU IS PRODUCED (INCLUDING LEU PRODUCED THROUGH THE DOWN-BLENDING OF HIGHLY ENRICHED URANIUM).

CERTAIN MERCHANDISE IS OUTSIDE THE SCOPE OF THIS ORDER. SPECIFICALLY, THIS ORDER DOES NOT COVER ENRICHED URANIUM HEXAFLUORIDE WITH A U^{235} ASSAY OF 20 PERCENT OR GREATER, ALSO KNOWN AS HIGHLY ENRICHED URANIUM. IN ADDITION, FABRICATED LEU IS NOT COVERED BY THE SCOPE OF THIS ORDER. FOR PURPOSES OF THIS ORDER, FABRICATED URANIUM IS DEFINED AS ENRICHED URANIUM DIOXIDE (UO_2), WHETHER OR NOT CONTAINED IN NUCLEAR FUEL RODS OR ASSEMBLIES. NATURAL URANIUM CONCENTRATES (U_3O_8) WITH A U^{235} CONCENTRATION OF NO GREATER THAN 0.711 PERCENT AND NATURAL URANIUM CONCENTRATES CONVERTED INTO URANIUM HEXAFLUORIDE WITH A U^{235} CONCENTRATION OF NO GREATER THAN 0.711 PERCENT ARE NOT COVERED BY THE SCOPE OF THIS ORDER.

ALSO EXCLUDED FROM THIS ORDER IS LEU OWNED BY A FOREIGN UTILITY END-USER AND IMPORTED INTO THE UNITED STATES BY OR FOR SUCH END-USER SOLELY FOR PURPOSES OF CONVERSION BY A U.S. FABRICATOR INTO URANIUM DIOXIDE (UO_2) AND/OR FABRICATION INTO FUEL ASSEMBLIES SO LONG AS THE URANIUM DIOXIDE AND/OR FUEL ASSEMBLIES DEEMED TO INCORPORATE SUCH IMPORTED LEU (I) REMAIN IN THE POSSESSION AND CONTROL OF THE U.S. FABRICATOR, THE FOREIGN END-USER, OR THEIR DESIGNATED TRANSPORTER(S) WHILE IN U.S. CUSTOMS TERRITORY, AND (II) ARE RE-EXPORTED WITHIN EIGHTEEN (18) MONTHS OF ENTRY OF THE LEU FOR CONSUMPTION BY THE END-USER IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES. SUCH ENTRIES MUST BE ACCOMPANIED BY THE CERTIFICATIONS OF THE IMPORTER AND END-USER (SEE PARAGRAPHS 6 AND 7 BELOW).

THE MERCHANDISE SUBJECT TO THIS ORDER IS CLASSIFIED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) AT SUBHEADING 2844.20.0020. SUBJECT MERCHANDISE MAY ALSO ENTER UNDER 2844.20.0030, 2844.20.0050, AND 2844.40.00. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS

PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE IS DISPOSITIVE.

3. THE NET SUBSIDY WAS FOUND TO BE 1.57 PERCENT AD VALOREM FOR THE PERIOD 5/14/2001 THROUGH 9/11/2001 AND 1.47 PERCENT AD VALOREM FOR THE PERIOD 2/13/2002 THROUGH 12/31/2002.

4. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO ASSESS COUNTERVAILING DUTIES OF 1.57 PERCENT OF THE ENTERED VALUE ON ALL SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 5/14/2001 AND ON OR BEFORE 9/10/2001, AND 1.47 PERCENT OF THE ENTERED VALUE ON ALL SHIPMENTS OF THIS MERCHANDISE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 2/13/2002 AND ON OR BEFORE 12/31/2002. SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE ON OR AFTER 9/11/2001 AND ON OR BEFORE 2/12/2002 SHOULD BE LIQUIDATED WITHOUT REGARD TO COUNTERVAILING DUTIES.

MFR/PRODUCER/ EXPORTER	CUSTOMS ID NUMBER	PERIOD	PERCENT
URENCO GROUP	C-428-829-001	5/14/2001-9/10/2001	1.57 %
(URENCO		9/11/2001-2/12/2002	ZERO
DEUTSCHLAND GMBH,		2/13/2002-12/31/2002	1.47 %
URENCO NEDERLAND B.V.,			
URENCO (CAPENHURST) LIMITED,			
URENCO LTD., URENCO INC.)			

5. WE DID NOT RECEIVE A REQUEST FOR REVIEW FOR ALL OTHER PRODUCERS AND EXPORTERS. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(C) OF THE COMMERCE REGULATIONS, FOR ALL OTHER PRODUCERS/EXPORTERS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT MERCHANDISE ENTERED OR WITHDRAWN FROM WAREHOUSE ON OR AFTER 5/14/2001 AND ON OR BEFORE 9/10/2001 AND ON OR AFTER 2/13/2002 AND ON OR BEFORE

12/31/2002. SHIPMENTS OF THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE ON OR AFTER 9/11/2001 AND ON OR BEFORE 2/12/2002 SHOULD BE LIQUIDATED WITHOUT REGARD TO COUNTERVAILING DUTIES.

THE RATES OF ESTIMATED COUNTERVAILING DUTIES WHICH WERE REQUIRED TO BE DEPOSITED ARE:

ALL OTHERS C-428-829-000 5/14/2001-9/10/2001 2.23 %
 9/11/2001-2/12/2002 ZERO
 2/13/2002-12/31/2002 2.23 %

6. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST BE ACCOMPANIED BY A CERTIFICATION FROM THE IMPORTER AS FOLLOWS:

WE, THE UNDERSIGNED IMPORTER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED BY US FOR PURPOSES OF CONVERSION BY (INSERT NAME OF FABRICATOR) INTO URANIUM DIOXIDE AND/OR FABRICATION BY (INSERT NAME OF FABRICATOR) INTO NUCLEAR FUEL ASSEMBLIES FOR CONSUMPTION BY THE NAMED END-USER IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES.

B) THIS ENRICHED URANIUM HEXAFLUORIDE, AND ANY URANIUM PRODUCTS DERIVED THEREFROM, WILL (1) REMAIN AT ALL TIMES IN OUR POSSESSION AND CONTROL OR IN THE POSSESSION AND CONTROL OF OUR AUTHORIZED TRANSPORTER(S), OR IN THE POSSESSION AND CONTROL OF (INSERT NAME OF FABRICATOR) OR THEIR AUTHORIZED TRANSPORTER(S), WHILE IN THE CUSTOMS TERRITORY OF THE UNITED STATES AND (2) SHALL NOT BE SOLD, LOANED, SWAPPED, USED AS LOAN REPAYMENTS, OR UTILIZED FOR ANY PURPOSE OTHER THAN FOR CONVERSION INTO URANIUM DIOXIDE AND/OR FABRICATION INTO NUCLEAR FUEL ASSEMBLIES BY (INSERT NAME OF FABRICATOR) FOR CONSUMPTION BY (INSERT NAME OF END-USER) OUTSIDE

THE UNITED STATES.

C) AN AMOUNT OF ENRICHED URANIUM IN THE FORM OF URANIUM DIOXIDE EQUAL TO THE ACCOMPANYING ENTRY IN TERMS OF THE QUANTITY OF URANIUM-235 CONTAINED IN THIS ENTRY (LESS AN IRRECOVERABLE PROCESSING LOSS NOT TO EXCEED 1.0 PERCENT), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO (INSERT NAME OF END-USER) BY (INSERT NAME OF FABRICATOR) FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING IMPORTED SOLELY FOR THE ABOVE STATED PURPOSES. WE MAKE THIS CERTIFICATION UNDER PENALTY OF LAW, INCLUDING (WITHOUT LIMITATION) THE PENALTIES OF 19 U.S.C. SECTION 1592.

7. ENTRY SUMMARIES COVERING MERCHANDISE TO BE EXCLUDED FROM THE SCOPE OF THIS ORDER - LEU OWNED BY A FOREIGN UTILITY END-USER AS DESCRIBED IN PARAGRAPH 2, ABOVE - MUST ALSO BE ACCOMPANIED BY A CERTIFICATION FROM THE END-USER AS FOLLOWS: WE, THE UNDERSIGNED END-USER, HEREBY CERTIFY AS FOLLOWS:

A) THE ACCOMPANYING ENTRY OF ENRICHED URANIUM HEXAFLUORIDE IS IMPORTED ON OUR BEHALF BY (INSERT NAME OF IMPORTER) FOR PURPOSES OF CONVERSION BY (INSERT NAME OF FABRICATOR) INTO URANIUM DIOXIDE AND/OR FABRICATION BY (INSERT NAME OF FABRICATOR) INTO NUCLEAR FUEL ASSEMBLIES FOR CONSUMPTION BY US IN A NUCLEAR REACTOR OUTSIDE THE UNITED STATES.

B) THIS ENRICHED URANIUM HEXAFLUORIDE, AND ANY URANIUM PRODUCTS DERIVED THEREFROM, WILL (1) REMAIN AT ALL TIMES IN THE POSSESSION AND CONTROL OF (INSERT NAME OF IMPORTER), (INSERT NAME OF FABRICATOR IF DIFFERENT FROM IMPORTER) OR ITS/THEIR AUTHORIZED TRANSPORTER(S) WHILE IN THE CUSTOMS TERRITORY OF THE UNITED STATES AND (2) SHALL NOT BE SOLD, LOANED, SWAPPED, USED AS LOAN REPAYMENTS, OR UTILIZED FOR ANY PURPOSE OTHER THAN FOR CONVERSION

INTO URANIUM DIOXIDE AND/OR FABRICATION INTO NUCLEAR FUEL ASSEMBLIES BY (INSERT NAME OF FABRICATOR) FOR CONSUMPTION BY US

OUTSIDE THE UNITED STATES.

C) AN AMOUNT OF ENRICHED URANIUM IN THE FORM OF URANIUM DIOXIDE EQUAL TO THE ACCOMPANYING ENTRY IN TERMS OF THE QUANTITY OF URANIUM-235 CONTAINED IN THIS ENTRY (LESS AN IRRECOVERABLE PROCESSING LOSS NOT TO EXCEED 1.0 PERCENT), AND WITH THE SAME COUNTRY OF ORIGIN, WILL BE EXPORTED TO US BY (INSERT NAME OF FABRICATOR) FROM THE UNITED STATES WITHIN EIGHTEEN (18) MONTHS OF THE DATE OF THIS ENTRY.

D) THE ACCOMPANYING ENTRY IS BEING IMPORTED SOLELY FOR THE ABOVE STATED PURPOSES. WE MAKE THIS CERTIFICATION UNDER PENALTY OF LAW, INCLUDING (WITHOUT LIMITATION) THE PENALTIES OF 19 U.S.C. SECTION 1592.

8. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE U.S. CUSTOMS AND BORDER PROTECTION (CBP) ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT THE CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF

THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE ENTRY DATE OR DATE OF DEPOSIT WHICHEVER IS LATER, OR ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

9. THE SUSPENSION OF LIQUIDATION ORDERED FOR THE MERCHANDISE LISTED ABOVE EXPORTED ON OR BEFORE 12/31/2002 IS LIFTED. THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER 12/31/2002 WILL CONTINUE.

10. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE

CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD
ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR
(202) 482-3577, RESPECTIVELY (GENERATED BY O3:DB).

11. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS
INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party